

**REPORT - PLANNING COMMISSION MEETING
November 18, 2004**

Project Name and Number: Housing Element Implementation Program 21
(PLN2004-00274 & PLN2005-00079)

Applicant: City of Fremont

Proposal: To consider a City-initiated General Plan Amendment and Rezoning application to allow either multi-family housing or mixed-use on several parcels cumulatively totaling 11.57 acres of land as follows:

Site 1 (PLN2004-00274) (known as "Mowry and Guardino") consists of approximately 7.76 acres of land located in two locations: Site 1(a) at 555-643 Mowry Avenue is north of the terminus of Cherry Lane and Mowry Avenue, and Site 1(b) at 101 Guardino Drive is on the southeast corner of Mowry Avenue and Guardino Drive. Both are in the Central Planning area. The proposed project would amend the General Plan land use designation of property in Site 1(a) from Neighborhood Commercial to Residential Medium Density (18 to 23 dwellings per acre), and for properties in Site 1(b) from Neighborhood Commercial to Residential Medium Density (15 to 18 dwellings per acre). A corresponding rezoning of the sites is also proposed from Commercial Planned District (PD) Zoning Designations in Site 1(a) from P-68-7 to P-2004-274 (a Commercial PD that allows multi-family residential development), and Site 1(b) from P-87-10 to R-3-18 Multi-Family Residential Zoning District. Implementation of the proposed project would allow the owners of 1(a) to develop the site as commercial, mixed-use and/or residential as specified in the amended General Plan land use designation and the changed zoning designation. For Site 1(b), implementation of the proposed project would allow the owner to develop with housing as specified in the amended General Plan land use designation and the changed zoning designation.

Site 2 (PLN2005-00079) (known as "Mission and Mowry") consists of seven parcels, which total 3.81 acres of commercially zoned properties located on irregularly shaped parcels at the northwest corner of Mission Boulevard and Mowry Avenue. The intent of the proposed project is to change the existing General Plan land use designation from Thoroughfare Commercial to Residential Medium Density (15 to 18 dwellings per acre). A corresponding rezoning of Site 2 from Thoroughfare Commercial (C-T) to P-2005-79 a Planned District that allows commercial, mixed-use and/or residential development is also proposed to ensure consistency between the General Plan designation and site zoning.

Recommended Action: Recommend to the City Council approval of the General Plan Amendments and Rezonings associated with Housing Element Program 21.

Location: **Site 1** – as noted above, Site 1(a) is a 6.77 acre group of properties located at 555 – 631 Mowry Avenue (north of Mowry where Cherry Street terminates at Mowry Avenue). Site 1(b) is a vacant .99-acre lot located at 101 Guardino (at the corner of Guardino and Mowry Avenue).

Site 2 – also as noted above, the site is a 3.81-acre group of seven properties located at 17-92 Mowry Avenue, 24-66 Dassell Road and 38339-38395 Mission Boulevard, all at the northwest corner of Mission Boulevard and Mowry Avenue.

Assessor Parcel Number(s): Site 1: 631 Mowry Avenue (APN 507 035601303)
657 Mowry Avenue (APN 507 035601502)
657 Mowry Avenue (APN 507 035601502)
555 Mowry Avenue (APN 507 035602100)
101 Guardino Drive (APN 507 079318600)

Site 2: 24 Mowry Avenue (APN 507 052700703)
55 Mowry Avenue (APN 507 052700704)
78 Mowry Avenue (APN 507 052704106)
Dassell Road (APN 507 052700303)
38339 Mission Boulevard (APN 507 052700402)
38363 Mission Boulevard (APN 507 052700502)
38395 Mission Boulevard (APN 507 052700602)

Area: 11 parcels of land totaling +/- 11.57 acres

Owners:

Site 1: Tsi M & Yoshie F Chang
AMF International
Salvatore & Bette Guardino

Site 2: Alameda County Water District
Amos & Frances Picker
Thomas & Christine Payne
E S Nolan & Scott Schwartz

Agent of Applicant: None

Consultant(s): None

Environmental Review: A Mitigated Negative Declaration was prepared and circulated for this project.

Existing General Plan: **Site 1(a) and (b)** (PLN2004-00274): Neighborhood Commercial.

Site 2 (PLN2005-00079): Commercial Thoroughfare.

Existing Zoning: **Site 1** (PLN2004-00274): Site 1(a) Commercial Planned District P-68-7, Site 1(b) Commercial Planned District P-87-10.

Site 2 (PLN2005-00079): Commercial Thoroughfare (C-T).

Existing Land Use: **Site 1** (PLN2004-00274): Site 1(a) The site consists of 3 parcels with various commercial structures including a bowling alley, a cable television office and other office uses. Site 1(b) is vacant with mature trees.

Site 2 (PLN2005-00079): The site consists of seven properties that contain a vacant single family dwelling and commercial uses including a veterinarian clinic and used car lot.

Public Hearing Notice: Public hearing notification is applicable. On November 5, 2004, 714 notices were mailed to owners and occupants of properties within 300 feet of both sites. A Public Hearing Notice was delivered to The Argus on November 1, 2004, to be published by November 4, 2004.

Executive Summary: This proposal implements Program 21 (Commercial and Industrial Re-designation) of the certified Housing Element. Program 21 consists of the re-designation and rezoning of commercially and industrially designated/zoned properties for medium-density and high-density residential use to accommodate housing. Staff has identified 11 parcels for such re-designation and rezoning to allow higher residential densities. It is anticipated that additional sites may be identified under Program 21 and brought before the Planning Commission and City Council at a future time in 2005, after further community engagement.

Staff is requesting that the Planning Commission recommend approval of the proposed Mitigated Negative Declaration and the designations and rezonings of Sites 1(a) and (b) and Site 2 to the City Council.

Background and Previous Actions: The City is charged by State statute with the responsibility for updating its Housing Element. A Housing Element is a planning document (part of the General Plan) that guides the City's housing efforts. The Housing Element not only provides general goals, objectives and policies but also proposes implementation programs to meet the stated goals and objectives. The Housing Element must also address the City's allocation of housing needs prepared by the Association of Bay Area Governments. The Association of Bay Area Governments (ABAG) has determined the 1999-2006 Regional Housing Needs Distribution Allocation for all Bay Area cities and counties, including Fremont. The total housing need for Fremont is 6,708 units (revised to 4,912 based on housing already produced as set forth in the Housing Element). This allocation is based upon ABAG's projections of the City's share of regional job growth and regional household growth during the 1999-2007 period.

Existing law requires the State Department of Housing and Community Development (HCD) to evaluate the programs in the Housing Element for consistency with State law. Those programs include the identification of sites to be made available to encourage the development of a variety of types of housing for all income levels.

On February 12, 2002, the City Council adopted a new Housing Element to replace the previously adopted (May 1991) Element. Council adopted a revised Housing Element on May 13, 2003. On July 17, 2003, HCD informed the City of Fremont that the Housing Element adopted by the City Council on May 13, 2003, was found in compliance with State housing element law. HCD reiterated the need for the City to meet the established timeframes. The City submitted an annual report to HCD on the progress in implementing identified Housing Element programs on October 1, 2003. A subsequent annual report was submitted to HCD on October 1, 2004.

On June 10, 2004, the Planning Commission considered the first set of parcels to implement Housing Element Program 21 (e.g. the Tier 1 parcels). After the removal of a few parcels, the Planning Commission recommended that two sites, totaling 26.55 acres, be approved by the City Council. On July 13, 2004, the City Council took action to approve the re-designation and rezoning of those sites from industrial to residential.

At this time, staff recommends that the Planning Commission recommend to the City Council the approval of the General Plan Amendments and Rezonings for Site 1(a) and (b) and Site 2 associated with The second grouping of sites for the implementation of Housing Element Program 21.

Project Description: Staff proposes the re-designations and rezonings of Site 1 and 2 to carry out a portion of the implementation of Program 21 of the Housing Element.

As mentioned previously, in Program 21, the Housing Element mandates that the City consider rezoning of certain "commercial and industrial" properties on the easterly side of Interstate 880 to residential developments aimed at intensifying densities in certain locations along major parkways and arterials and where higher residential densities already exist. During the preparation of the Housing Element, the City identified approximately 119 acres in different planning areas that fell under this category. In order to make the process of re-designation manageable, staff started to bring forth groupings of sites in mid-2004. This is the second cycle or tier of sites. Staff will consider additional sites under this program for action in early to mid-2005.

The sites that have been identified for re-designation and rezoning at this time are included as Attachments to this report. Exhibits labeled "A" identify the proposed General Plan re-designations. Exhibits labeled "B" identify the proposed rezonings for the subject sites. The following is a description of these sites including proposed re-designations and rezonings:

Site 1 (PLN2004-00274): This site, also known as "Mowry and Guardino" consists of 7.76 acres of commercially zoned properties located at: Site 1(a) 555 – 631 Mowry Avenue (north of Mowry where Cherry Street terminates at Mowry Avenue) and Site 1(b) 101 Guardino (at the corner of Guardino and Mowry Avenue).

Surrounding land uses adjacent to the project sites include medium to high-density residential dwellings to the west and commercial to the east. Active railroad tracks are to the north and neighborhood commercial are to the south of the Mowry properties. Medium density residential is to the north and south of the Guardino property.

The proposal is to change the existing General Plan land use designation of Site 1(a) lands from Neighborhood Commercial to Residential Medium Density (18 to 23 dwellings per acre) and for Site 1(b) lands from Neighborhood Commercial to a Residential Medium Density (15 to 18 dwellings per acre).

A rezoning of Site 1(a) is proposed from P-68-7 (a commercial Planned District) to P-2004-274, a Planned District zoning designation that allows the addition of multi-family residential development to the existing commercial uses. A rezoning of Site 1(b) is proposed from P-87-10 (a neighborhood commercial Planned District) to Multi-Family Residential (R-3-18). Two of the properties comprising this site are identified in the Housing Element as Site 704 and Site 712. The project will provide an opportunity to accommodate up to 175 dwellings at the mid-point of the proposed density ranges.

Site 2 (PLN2005-00079): This site, also known as “Mission and Mowry”, consists of 3.81 acres of commercially zoned properties located at 17-92 Mowry Avenue, 24-66 Dassell Road and 38339-38395 Mission Boulevard, all at the northwest corner of Mission Boulevard and Mowry Avenue.

Surrounding land uses adjacent to or near the project site include medium density residential zoning and a motel to the east and medium density residential zoning to the south. Active railroad tracks are to the north and to the west of the site.

The proposal is to change the existing General Plan land use designation from Thoroughfare Commercial to a Residential Medium Density (15 to 18 dwellings per acre) General Plan land use designation.

A rezoning of the site is proposed from Thoroughfare Commercial (C-T) to P-2005-79, a Planned District that allows the addition of multi-family residential to the existing commercial uses. One parcel on this site is identified in the Housing Element as Site 705. The other properties located at that corner were not identified in the Housing Element. However, the City identified these sites as appropriate sites for re-designation under Program 21 based on their proximity to higher density residential uses and their proximity to the sites identified in the Housing Element. The project will provide an opportunity to accommodate up to 63 dwellings at the mid-point of the proposed density range.

PROJECT ANALYSIS: Program 21 includes sites that, by nature of their location are on one or more arterials and/or major collectors. The properties’ vacant and under-utilized status makes them prime candidates for a re-designation that allows medium residential densities.

The current General Plan land use designations for all the currently identified sites are Neighborhood Commercial and Thoroughfare Commercial. Therefore, a General Plan amendment is required in order to allow for residential uses. The proposed General Plan amendments will result in the sites having medium density residential designations, as identified in Exhibit “A” for Sites 1(a) and (b) and Site 2.

General Plan Conformance: The proposed General Plan amendment will designate Site 1(a) and (b) and Site 2 to include residential designations at medium densities. The following General Plan Goals, Objectives and Policies are applicable to the proposed designations:

Fundamental Goal F8: *A Diversity of residential, recreational, cultural, employment and shopping opportunities.*

Fundamental Goal H3: *Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002.*

Land Use Policy 1.9: *To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to collector or arterial street and a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated on the General Plan Diagram, construction of housing at significantly lower densities than planned would not meet the City’s goals. The City therefore established a minimum required density of development for all medium and high density residential uses as follows:*

- *When the residential range is between 6.5 and 70 units per acre (ranges 8 – 15), and a development application has not been deemed completed for processing under the*

provisions of the Permit Streamlining Act by July 1, 2003, the minimum density of the project must be at the midpoint of the density range.

- *When calculation of the midpoint density results in a fraction of a unit equating to 0.50 or more, the minimum density shall be rounded up to the next whole number.*

Reduction in the midpoint density may be approved when environmental constraints or historic preservation goals preclude achievement of the midpoint density. If the property proposed for development contains a Primary Historic Resource, or is listed on the State or National Register of Historic Places, or is determined by the City Council through recommendation from HARB to possess historic significance then minimum density may be waived.

Housing Program Strategy
Implementation 21:

Commercial and Industrial Re-designation...The City will actively solicit property owners and developers interested in the re-designation of commercial and/or industrial lands on the easterly side of Interstate 880 for residential use. From the identified candidate sites, the City Council will determine the suitability of sites for conversion in accordance with other General Plan goals, objectives and policies in order to meet the objectives. Properties to be converted will be rezoned to R-3 (Multiple-Family Residential) or P (Planned) districts at densities ranging from 5 to 50 units an acre to accommodate a total of 753 units.

The proposed General Plan amendments to accommodate additional densities on Sites 1(a) and (b) and Site 2 are consistent with these land use policies and Housing Element implementation strategy because re-designation of sites will allow increased opportunities for the production of medium density housing where appropriate, will accommodate residential uses at the minimum established mid-point density ranges, and will implement key Housing Program Strategies that are intended to facilitate the production of new housing in the City.

Zoning Regulations: The properties within Sites 1(a) and (b) and Site 2 are currently zoned P-68-7, P-87-10 and Commercial Thoroughfare, respectively. They are currently being changed to the following:

Site 1(a) to P-2004-274, a planned district that allows commercial, mixed-use and/or residential development.

Site 1(b) to R-3-18 zoning district to accommodate residential development.

Site 2 to P-2005-79, a planned district that allows commercial, mixed-use and/or residential development.

Future development on these sites will be based primarily upon the applicable development standards contained within the individual Planned Districts or the R-3 zoning district.

Zoning District Analysis:

R-3 District: The Housing Element Program 11 in Chapter 8 called for the creation of a new multi-family zoning district classification of R-3 to replace the former "step density" districts. The City Council adopted this new classification during the summer of 2003, which includes minimum density requirements for medium through very high-density multi-family developments, and establishes a requirement that generally all projects must meet a minimum mid-point density for approval. In addition, R-3 includes more flexible development standards, which provide incentives to developments that help achieve the goals for higher densities and affordable projects. The high end of the density range is indicated in the zoning label for each parcel. .

Planned Districts: The Housing Element anticipates that Planned District zoning would be applied to certain sites, and that each Planned District would: (1) specify the uses allowed on the site; (2) establish a density range that is allowed by right; and (3) prescribe that the process for subsequent review of a project will require only Site Plan and Architectural Approval by the Planning Commission (in lieu of the requirement for approval of a Precise Plan by ordinance, which requires City Council approval).

New Planned Districts are proposed for Sites 1(b)/PLN2004-00274 and Site 2/PLN2005-00079, (See Exhibits "D"). As required by the Housing Element, residential developments must achieve, at minimum, the mid-point density within the established density range for the site.

The Planned Districts for Sites 1(b) and 2 allow existing commercial uses to continue as permitted uses provided that any major change in use or tenant would follow the requirements as stated in the individual Planned Districts. Residential uses would be permitted (and encouraged) with an established residential density range: 18 – 23 units per acre for Site 1(b) and 15 – 18 units per acre for Site 2.

The Initial Study for the City-initiated P districts indicates that Site 1 (a) and (b) contains mature trees, many planted for landscape enhancement purposes as part of existing development. Prior to residential development on Site 1 (a) or (b), an arborist report shall be prepared to assess potential loss of trees due to removal. If heritage or other significant trees are identified as being impacted, the arborist shall prepare a tree preservation plan to protect such trees during construction and to ensure long-term health of such trees. If heritage or other significant trees cannot be retained, a tree replacement program shall be prepared.

The presence of mature trees would not preclude development of the properties. However, such environmental factors may justify achieving less than the midpoint minimum density when a specific development is proposed. All new residential construction requires review and approval through the Site Plan and Architectural Review by the Planning Commission.

Site 2 consists of several irregular parcels with special constraints. Staff felt for this site to properly develop, it would need to be zoned as a planned district to allow orderly development. The Planned District for Site 2 will contain direction to staff regarding how to allow a portion of the site to develop while, at the same time, allowing the veterinarian office and car lot to continue operating should the properties develop separately.

Section 8-21811(i) of the Zoning Ordinance requires certain findings for City-initiated P districts. This section states that after a public hearing the City Council may establish a P district provided that the Council finds the following:

- (1) The property is designated in the General Plan as having a relatively unique feature, and because of the need for specific design to achieve the objectives of such special General Plan designation, the property can best be established as a P district; or,
- (2) The uniqueness of the size, shape, topography of the property or its relationship to adjacent parcels, historical character or landscaping features is such that the property can best be developed as a P district.

Staff believes both findings can be made for the proposed Planned Districts. The designation of the sites to incorporate previously approved planned district requirements and its location at key intersections along Mowry warrants special design treatment to achieve the objectives of a Planned District.

Property owner outreach: All owners of properties within the Sites 1(a) and (b) and Site 2 of this Tier 2 of Program 21 were mailed notices on November 5, 2004, regarding the City's intent to consider their property in this re-designation/rezoning effort. The Planning Division held two informational workshops for property owners in August 2004. Three property owners in Program 21, or their representatives, attended at the meeting. Staff has contacted property owners directly, where phone contact information was available. Staff was unable to find correct contact information for one property owner within Site 2 therefore he was not contacted. Another property owner within Site 2 is opposed to the rezoning of his and all of the properties in Site 2. He feels that the site is not compatible with residential development due to its proximity to active train tracks. Though the site is near train tracks, staff feels that the noise and vibration of those tracks can be mitigated during construction and design of residential units.

Public Contact: Staff has received phone calls and e-mails from residents in the vicinity of the two sites. The main comments centered on whether or not existing uses would be allowed to continue to exist. The property owners were informed that the re-designation and rezoning did not force immediate conversion to proposed residential densities and that, through the Planned Districts, commercial uses would be allowed to continue to operate (and even change over to

similar uses) until such time as the sites are ready for development by the property owners. Attached are copies of emails or correspondence received regarding these sites.

ENVIRONMENTAL ANALYSIS: An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project and are submitted for consideration by the Planning Commission and City Council. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure. The review period for the Initial Study and Mitigated Negative Declaration began on October 20, 2004, and will conclude on November 18, 2004. The Mitigated Negative Declaration covered only Sites 1 and 2.

Response from Agencies and Organizations: This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. The agency responded with no comment on the proposed project. No comments were received from any other agency or organization.

EXHIBITS:	Exhibit "A"	General Plan Exhibit – Site 1/ PLN2004-00274
	Exhibit "B"	Zoning Exhibit – Site 1/ PLN2004-00274
	Exhibit "D1"	P-2004-274 Planned District Description and Regulations
	Exhibit "A"	General Plan Exhibit – Site 2/ PLN2005-00079
	Exhibit "B"	Zoning Exhibit – Site 2/ PLN2005-00079
	Exhibit "D2"	P-2005-79 Planned District Description and Regulations

ENCLOSURES:	Exhibit "A"	General Plan Exhibit – Site 1/ PLN2004-00274
	Exhibit "B"	Zoning Exhibit – Site 1/ PLN2004-00274
	Exhibit "D1"	P-2004-274 Planned District Description and Regulations
	Exhibit "A"	General Plan Exhibit – Site 2/ PLN2005-00079
	Exhibit "B"	Zoning Exhibit – Site 2/ PLN2005-00079
	Exhibit "D2"	P-2005-79 Planned District Description and Regulations
		Initial Study, Draft Mitigated Negative Declaration
		Mitigation Monitoring Program
		Comments from Mr. Amos Picker

Revised Recommended Actions:

1. Hold separate public hearings for Sites 1(a) and (b) and Site 2 and then complete recommendations 2-6 for each.
2. Recommend that the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project (Sites 1 and 2) would have any potential for adverse effect on wildlife resources.
3. Recommend that the City Council approve the Mitigated Negative Declaration for Sites 1(a) and (b) and Site 2 and find that it reflects the independent judgment of the City of Fremont, and finding there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment, and that the City Council adopt the Mitigation Monitoring Program.
4. Find that General Plan Amendments and the Rezoning of Sites 1(a) and (b) and Site 2 to P-2004-274, R-3-18, and P-2005-79 are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
5. Find that once the re-designation and rezoning is approved for Sites 1(a) and (b) and Site 2, that when a development project is proposed on these sites, such project will be required to be evaluated individually for its design and conformity to adopted Fremont codes.

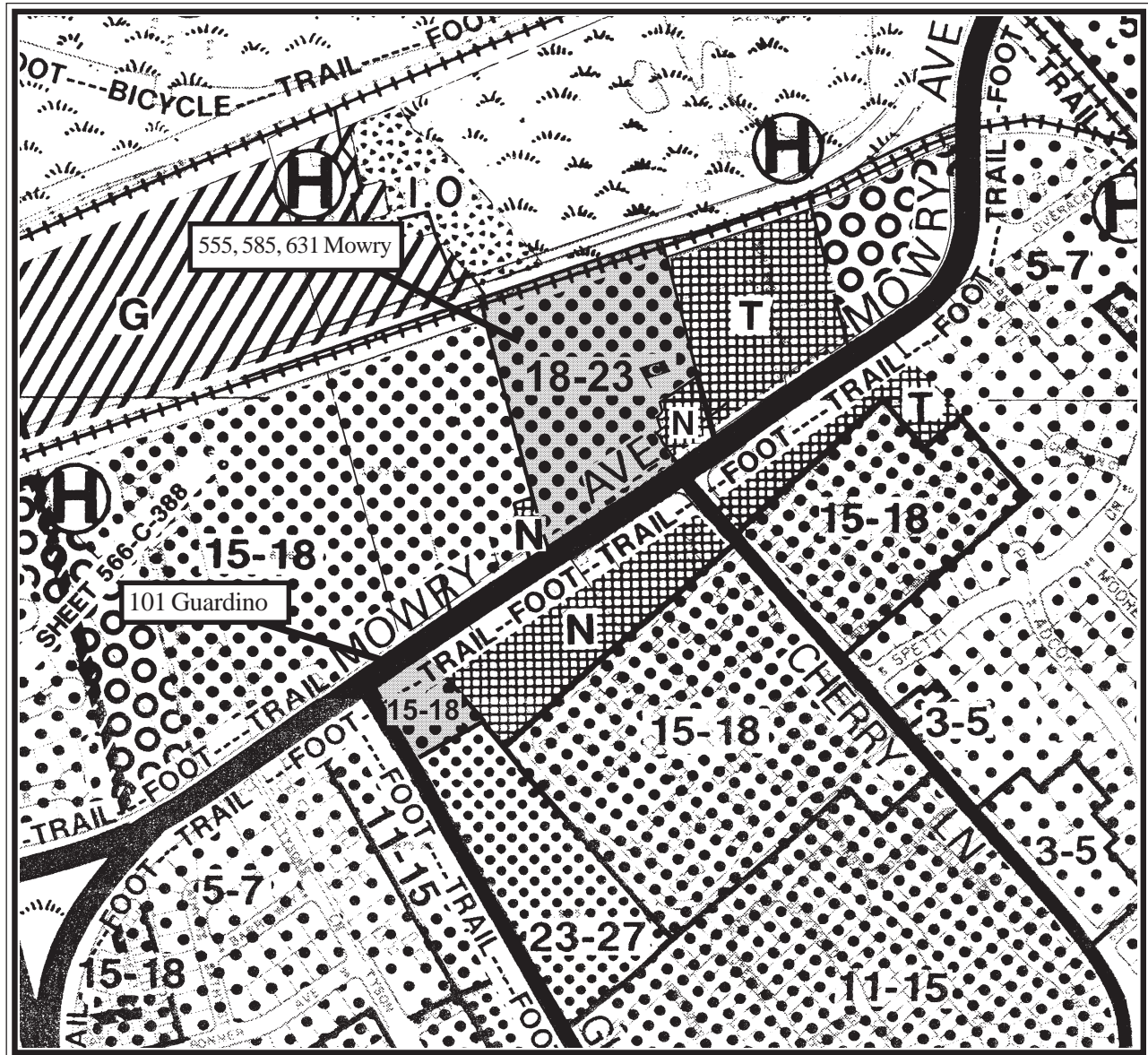
6. Make separate recommendations for each of Site 1(a) and (b) and Site 2 recommending that the City Council approve Exhibits "A" (General Plan Amendments), and Exhibits "B" (Rezoning) and Exhibit "D" (for the Planned Districts P-2004-274 and PLN2005-079) for the following sites:

Site 1 – Site 1(a) is a 6.77-acre group of properties located at 555 – 631 Mowry Avenue (north of Mowry where Cherry Street terminates at Mowry Avenue). Site 1(b) is a vacant .99-acre located at 101 Guardino (at the corner of Guardino and Mowry Avenue).

Site 2 – the site is a 3.81-acre group of seven properties located at 17-92 Mowry Avenue, 24-66 Dassell Road and 38339-38395 Mission Boulevard, all at the northwest corner of Mission Boulevard and Mowry Avenue.

On the _____ day of _____, 2004.

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTRAL PLANNING AREA



Project Number: PLN2004-00274 (GPA)



EXHIBIT "B"

Attached to and made a part of

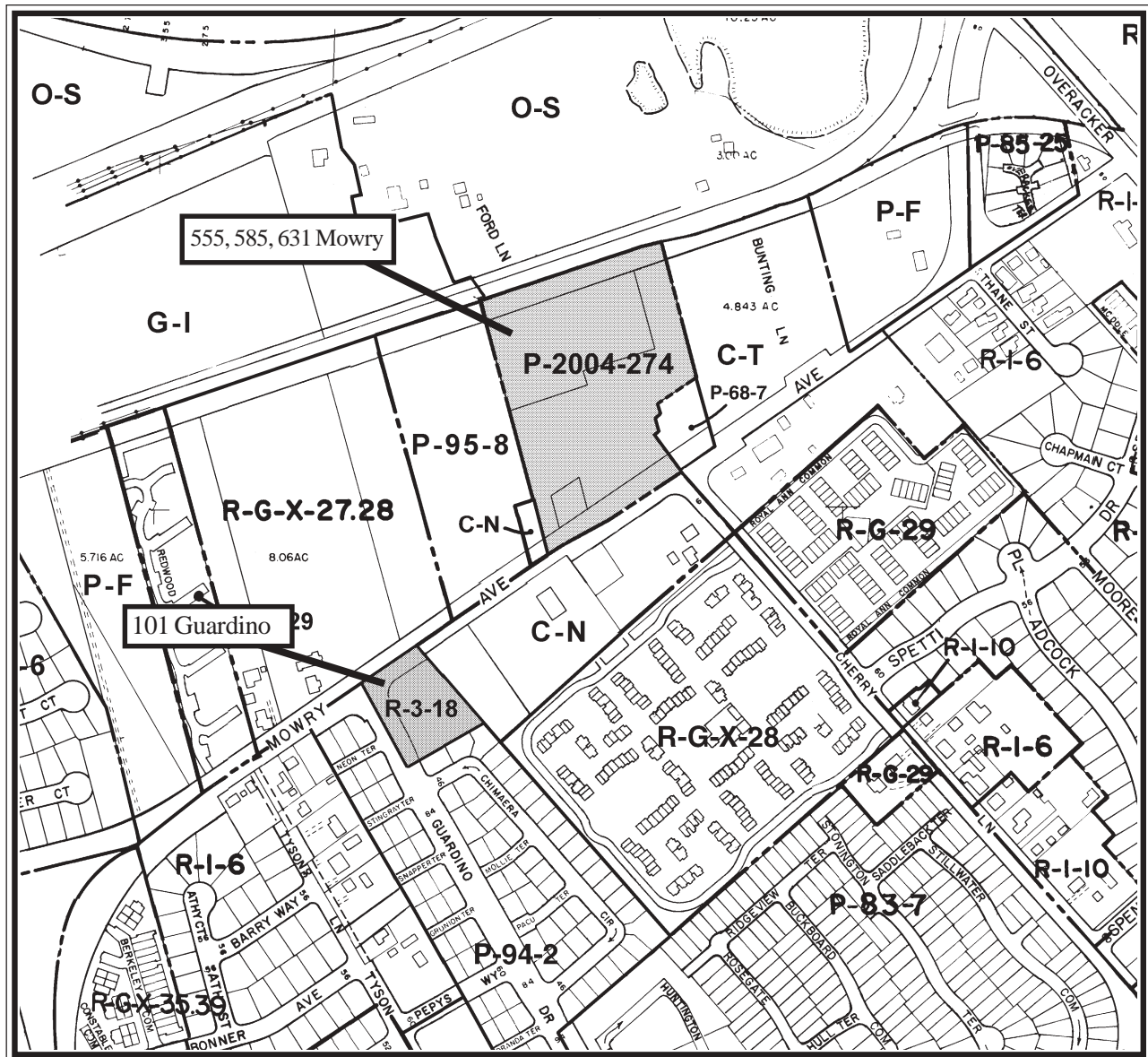
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 04 .

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



From: P-87-10 (Guardino site) ; P-68-7 and C-N (Mowry site)

To: R-3-18 (Guardino site); P-2004-274 (Mowry site)

[pc on 11-18-2004] 72-388, 72-392

Project Name: Housing Element Implementation Program #21 (Site 1)

Project Number: PLN2004-00274 (Rez)



EXHIBIT “D1”

North Side of Mowry Avenue between Guardino Drive and Cherry Lane Planned District (P-2004-00274)

- Purpose:** To facilitate development of the approximately 6.77 acres of land located on Mowry Avenue between Guardino Drive and Cherry Lane in the Central Planning Area by allowing the development of commercial, mixed-use and/or residential uses of 18 to 23 units per acre as shown in Exhibit “B”, attached.
- Allowed Uses:** Allowed commercial uses are those listed in the Neighborhood Commercial (C-N) Zoning District. The site shall also accommodate pre-existing provisions of the P-68-7 Planned district. In addition, mixed use and/or residential units are allowed at a density of 18 - 23 units per acre in accordance with the R-3-23 Multi-Family Residence District Development Standards. A complete change to residential
- Preferred uses are those that result in the development of neighborhood commercial and residential uses at the range of 20.5 – 23 units per acre. Uses to avoid are those that would result in nuisances to residences or that are not complementary with those uses already located in this Neighborhood Commercial District.
- Conditional Uses:** Until such time as the area develops with residential uses, any change of tenant, where a change in commercial use is proposed that would normally require a conditional use permit under the Neighborhood Commercial Zoning District, will require approval of a conditional use permit by the Planning Commission under this Planned District.
- Non-conforming Uses:** With the new zoning there will not be the creation of legal non-conforming uses. The residential use is in addition to the existing commercial zoning, which remain legal. This will allow the existing uses to remain, operate and modify their existing buildings, while at the same time allow for the addition of residential development.
- Development Review Process:** Until such time that the site develops completely residentially, all subsequent uses shall be processed in the normal fashion for a Permitted, Zoning Administrator or Conditional Use in the Neighborhood Commercial (C-N) and R-3 districts. Zoning Administrator uses shall be processed as a Planned District Minor Amendment subject to review and approval of the Assistant City Manager. Conditional Uses shall be processed as Planned District Minor Amendments, subject to review and approval of the Planning Commission.
- Site Plan and Architectural Review:** All new residential development and/or mixed-use construction shall be processed through Site Plan and Architectural Approval (SPAA) by the Planning Commission. The review shall consider the architecture and site design in relation to the surrounding area, and shall take into account site access and the interrelationship between residential and commercial uses both on and off-site. In addition to the Standards for Approval listed under Section 8-22706 of the Fremont Municipal Code for SPAA, the approving body must also make the following findings:
1. The proposed architecture is superior quality and will enhance and complement the character of the area and be an attractive feature for Fremont and the Central Planning Area.
 2. The site plan has provided for pedestrian connections to nearby features.

EXHIBIT “D1”

3. The scale of the residential development shall take into consideration the scale of existing adjacent development. Units facing or backing up to adjacent lower density residential uses shall be developed at a scale that is compatible with said existing residential neighborhoods.
4. Access onto Ford Avenue can be considered but must be approved by all of the owners of the private access way on the south side of the train tracks. If approved it shall be designed so as to minimize impacts to adjacent residential properties. If Ford Avenue is not to be considered or is not approved by the owners above, then the applicant must dedicate a public access from Mowry to the train tracks to assist in the access and potential development of those properties to the north of the adjacent train tracks.

All other types of construction shall be reviewed by the City's Development Organization in accordance with Section 8-22706 of the Municipal Code.

Building and Site Standards:

Building and site standards shall be as referenced in the Neighborhood Commercial (C-N) Zoning District, Section 8-21005 and the R-3 Multi-Family Residence District Standards, Section 8-2756, of the Fremont Zoning Ordinance. Exceptions to these standards may be permitted subject to the review and approval of the Planning Commission and/or City Council, as applicable.

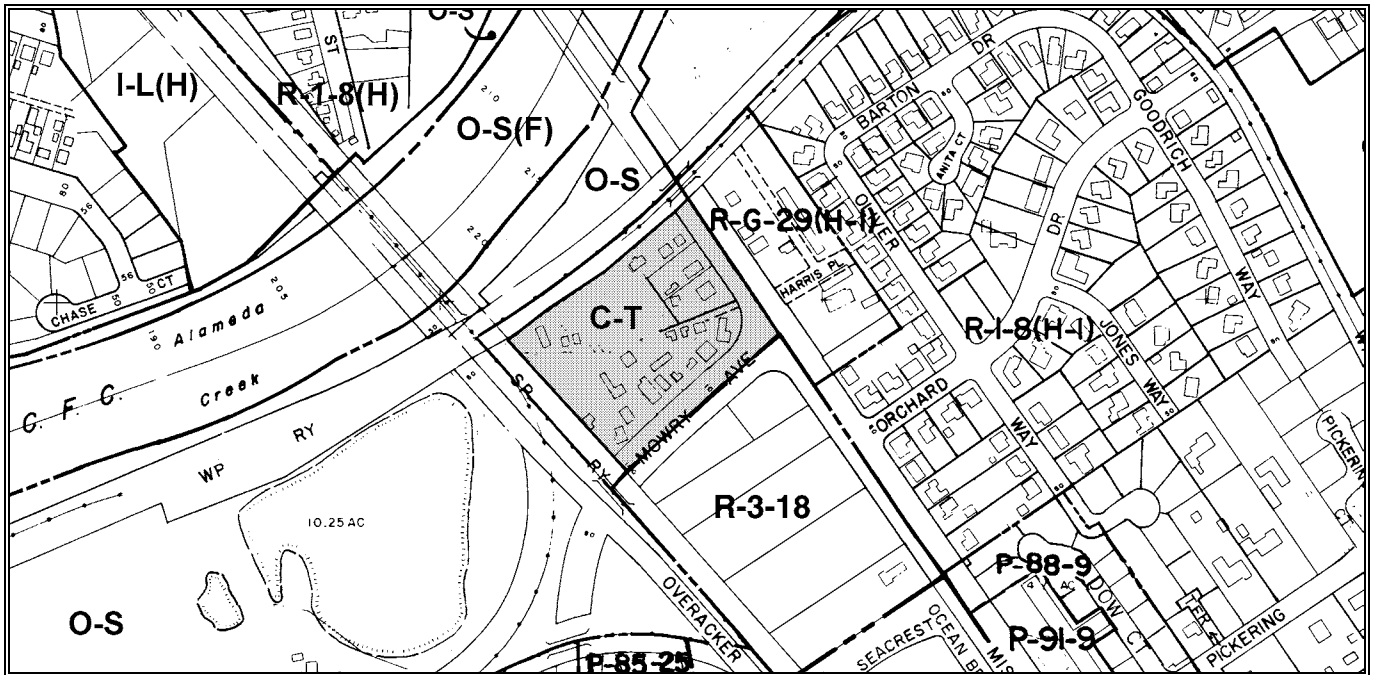
Other Regulations That May Be Applicable:

As referenced in the Neighborhood Commercial Zoning District, Section 8-21007 and R-3 Multi-Family Residence Zoning District, Section 8-2757 of the Zoning Ordinance.

Applicable: Mitigations

Future development of the area that results in the conversion to medium density residential uses shall be subject to the mitigation measures adopted for PLN2004-00274.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

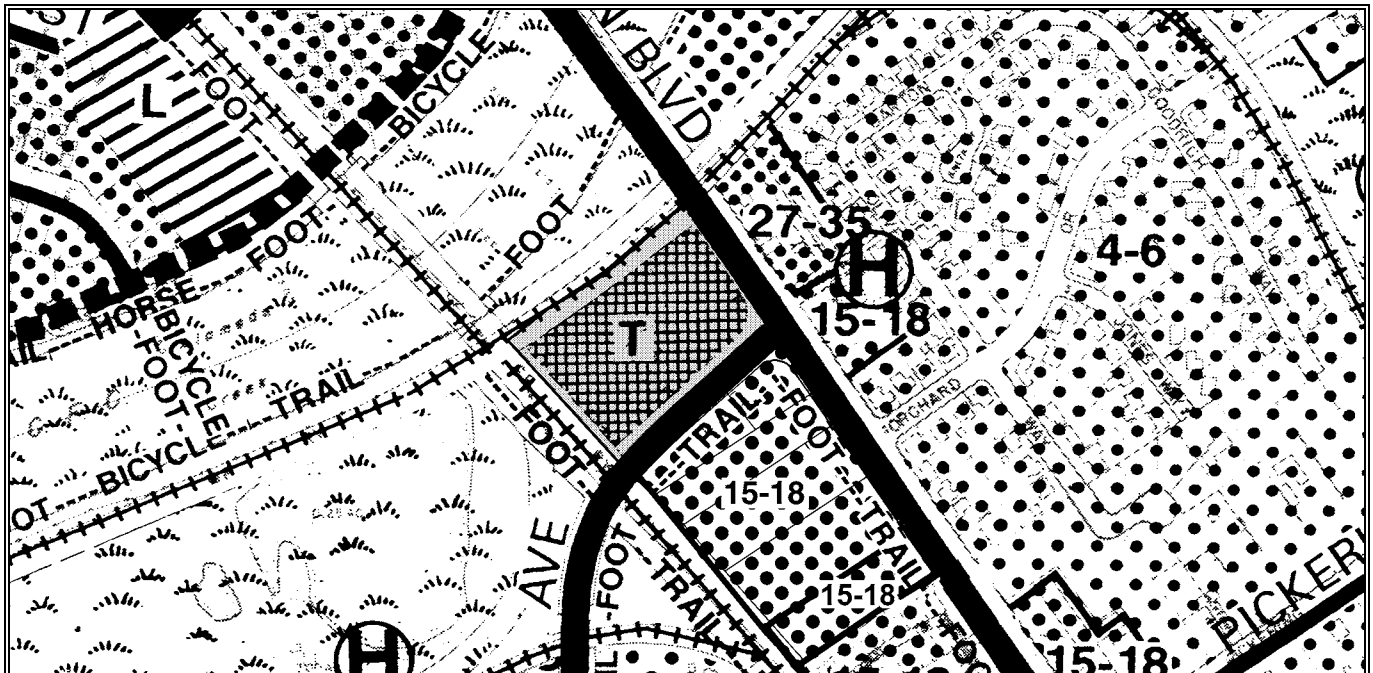


EXHIBIT "A"

Attached to and made a part of

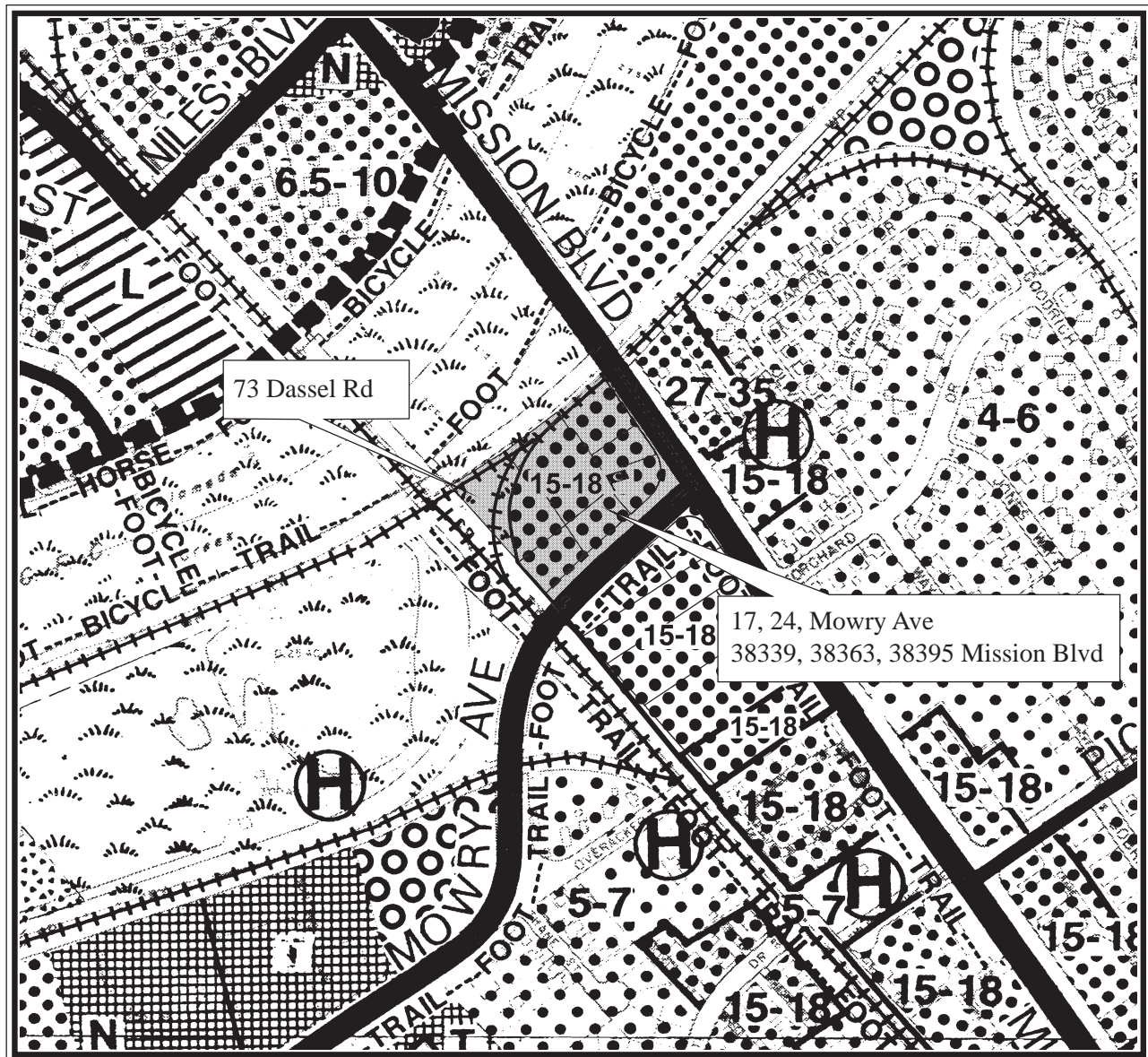
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 04** .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTRAL PLANNING AREA



From: Commercial-Thoroughfare

To: Res Med 15-18 du/ac, Institutional Open Space

Project Name: Housing Element Implementation Program 21 (Site 2)

Project Number: PLN2005-00079 (gpa)

[pc on 11-18-2004] 72-392



EXHIBIT "B"

Attached to and made a part of

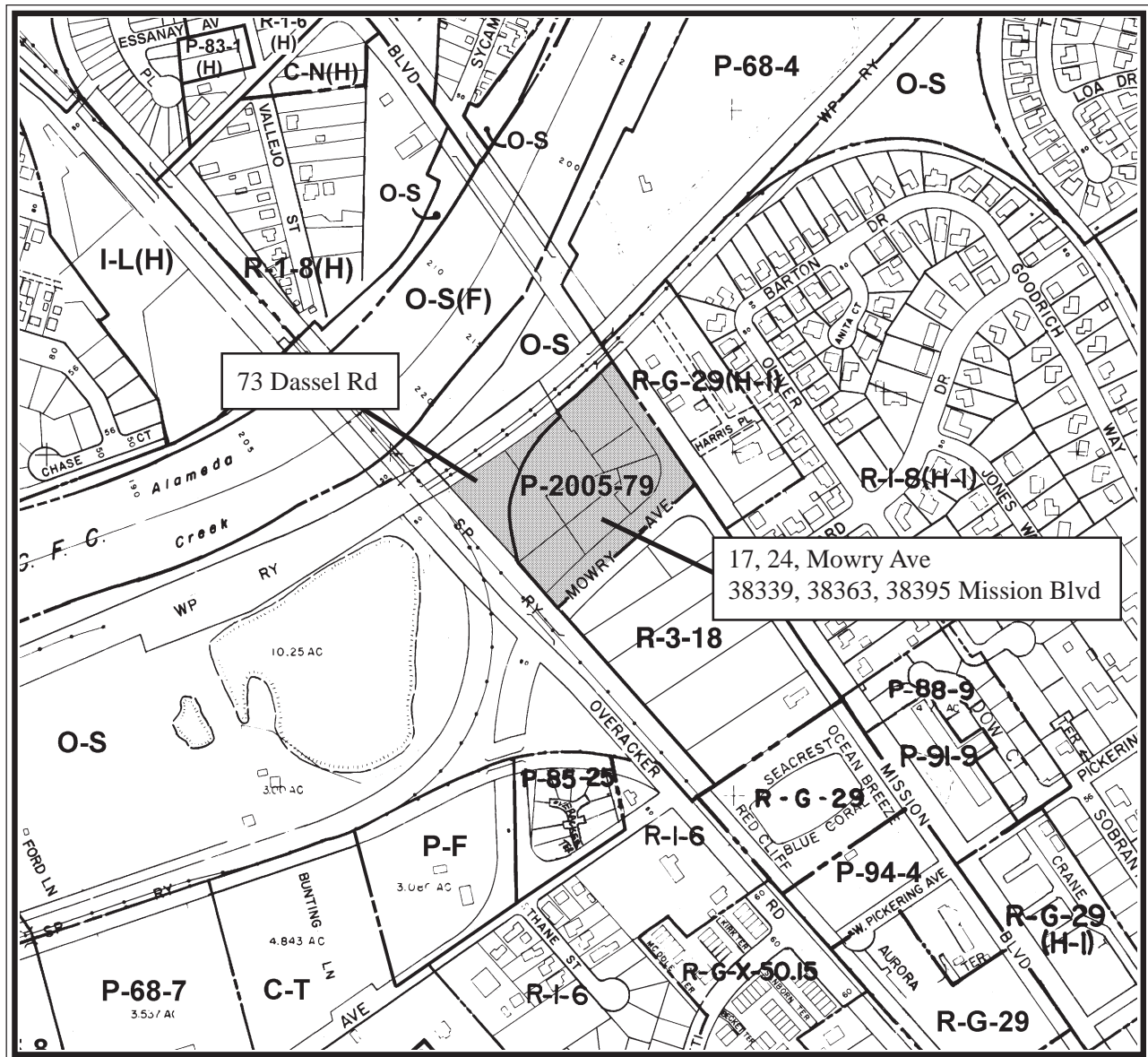
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 04.

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



From: C-T

To: P-2005-79 & O-S

[pc on 11-18-2004] 72-392

Project Name: Housing Element Implementation Program 21 (Site 2)

Project Number: PLN2005-00079 (pd)



EXHIBIT “D2”

Northwest Corner of Mission Boulevard and Mowry Avenue Planned District (P-2005-00079)

Purpose: To facilitate development of the approximately 3.81 acres of land located on the northwest corner of Mission Boulevard and Mowry Avenue in the Central Planning Area by allowing the development of commercial, mixed-use and/or residential development of 15 to 18 units per acre as shown in Exhibit “B”, attached.

Allowed Uses: Allowed commercial uses are those listed in the Thoroughfare Commercial (C-T) Zoning District. Mixed-use and/or residential units are allowed at a density of 15-18 units per acre in accordance with the R-3-18 Multi-Family Residence District Development Standards.

Preferred uses are those that result in the development of Thoroughfare Commercial and residential uses at the range of 16.5-18 units per acre. Uses to avoid are those that would result in nuisances to residences or that are not complementary with those uses already located in this Thoroughfare Commercial district.

**Conditional
Uses:**

Until such time as the area develops with residential uses, any change of tenant, where a change in commercial use is proposed that would normally require a conditional use permit under the Thoroughfare Commercial Zoning district, will require approval of a conditional use permit by the Planning Commission under this Planned District.

**Non-conforming
Uses:**

With the new zoning there will not be the creation of legal non-conforming uses. The proposed zoning to allow residential use is in addition to the existing commercial zoning, which remain legal. This will allow the existing uses to remain, operate and modify their existing buildings, while at the same time allow for the addition of residential development.

**Development
Review
Process:**

Until such time that the site develops completely residentially, all subsequent uses shall be processed in the normal fashion for a Permitted, Zoning Administrator or Conditional Use in the Thoroughfare Commercial (C-T) and R-3 districts. Zoning Administrator uses shall be processed as a Planned District Minor Amendment subject to review and approval of the Assistant City Manager. Conditional Uses shall be processed as Planned District Minor Amendments, subject to review and approval of the Planning Commission.

**Site Plan and
Architectural
Review:**

All new residential development and/or mixed-use construction shall be processed through Site Plan and Architectural Approval (SPAA) by the Planning Commission. The review shall consider the architecture and site design in relation to the surrounding area, and shall take into account site access and the interrelationship between residential and commercial uses both on and off-site. In addition to the Standards for Approval listed under Section 8-22706 of the Fremont Municipal Code for SPAA, the approving body must also make the following findings:

1. The proposed architecture is superior quality and will enhance and complement the character of the area and be an attractive feature for Fremont and the Central Planning Area.
2. The site plan has provided for pedestrian connections to nearby features.
3. The scale of the residential development shall take into consideration the scale of existing adjacent development. Units facing or backing up to adjacent development shall be developed at a scale that is compatible with said existing development.

EXHIBIT “D2”

4. If the veterinarian office and the property behind it develop separately, and the vacant property behind develops first, the Planning Commission may allow a masonry or stucco wall to be built between the existing veterinarian use and the new use to separate the uses in-lieu of the physical separation required by FMC Section 8-22132.

All other types of construction shall be reviewed by the City's Development Organization in accordance with Section 8-22706 of the Municipal Code.

**Building and
Site Standards:**

Building and site standards shall be as referenced in the Thoroughfare Commercial Zoning District, Section 8-21305 and the R-3 Multi-Family Residence District Standards, Section 8-2756, of the Fremont Zoning Ordinance. In addition, the veterinarian office, as long as it continues to operate, must abide by FMC Section 8-22132 and remain 100 feet from any residential development or restaurant. Exceptions to these standards may be permitted subject to the review and approval of the Planning Commission and/or City Council, as applicable.

**Other
Regulations
That May Be
Applicable:**

As referenced in the Commercial Thoroughfare Zoning District, Article 13 and the R-3 Multi-Family Residence Zoning District, Section 8-2757 of the Zoning Code. In addition, Section 8-22132 regarding “Animal Hospitals” may apply.

**Applicable:
Mitigations**

Future development of the area that results in the conversion to medium density residential uses shall be subject to the mitigation measures adopted for PLN2005-0079.